

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
9/26/11

**ITEM NO. 4 TEXT AMENDMENT TO ARTICLE 3 OF THE CITY OF LAWRENCE
DEVELOPMENT CODE; INCLUDING REVISING THE DESIGN GUIDELINES
OF THE 8TH AND PENNSYLVANIA URBAN CONSERVATION OVERLAY
DISTRICT (SM)**

TA-8-13-11: Consider text amendment to the 8th and Pennsylvania Urban Conservation Overlay District, including the *Design Guidelines 8th and Penn Neighborhood Redevelopment Zone*, in order to accommodate a residential proposal for property located at 619 E. 8th Street that exceeds the density limit currently noted in the guidelines. *Initiated by City Commission on 8/9/11.*

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments contained in TA-8-13-11 to the City of Lawrence Land Development Code, including the *Design Guidelines 8th and Penn Neighborhood Redevelopment Zone*, to the City Commission based on the findings of fact outlined in the staff report.

Reason for Request: To accommodate the redevelopment of the Poehler Mercantile Company building located at 8th Street and Delaware.

Key Points:

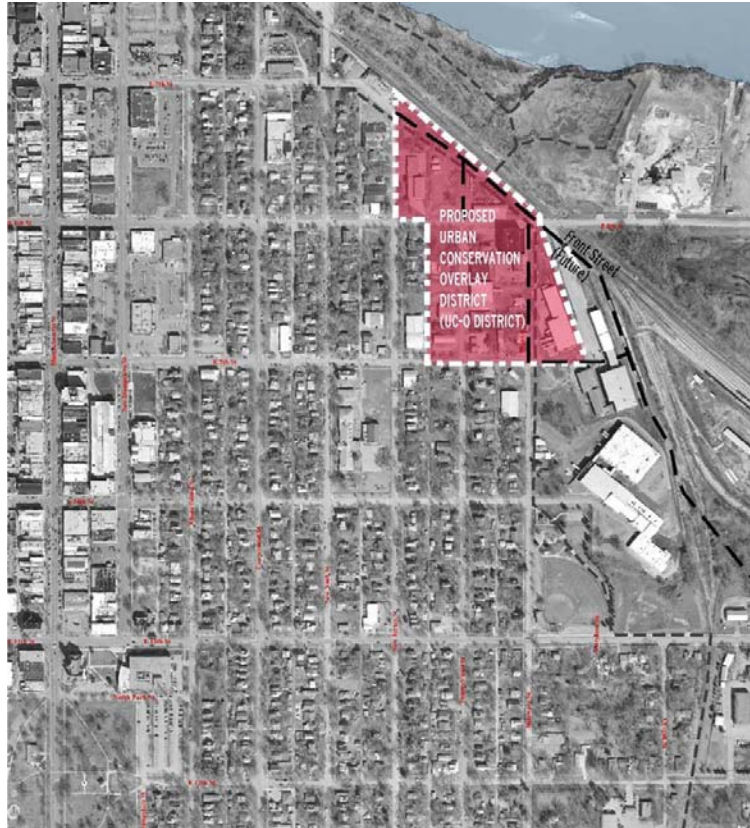
- This proposal is compatible with the planned redevelopment of the 8th and Penn area.
- The proposal meets the challenge of a changing condition in how the Poehler building is likely to be redeveloped.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

OVERVIEW OF PROPOSED AMENDMENT

Several properties, as shown below in a defined area surrounding the intersection of 8th and Pennsylvania Streets, are zoned with a base zoning district that also includes an Urban Conservation Overlay (UC-O) District, known as the "8th and Pennsylvania Urban Conservation Overlay District". The UC-O was established in the mid-2000s to accommodate a developer's plan to redevelop the area with a mixture of commercial, office and residential uses.



A UC-O District allows the City and a developer to tailor the development standards applicable to an area so that development of appropriate size, orientation, and setting can be built within a neighborhood or area. The "*Design Guidelines 8th and Penn Neighborhood Redevelopment Zone*" is the document used to establish revised standards for development that are different than the base zoning standards. The standards for this area are noted on page 12 of the guidelines (attached).

Other standards, such as density, parking, height, etc, were also modified with the overlay district and currently govern development in the area. The standards were intended to accommodate mixed use redevelopment of the area and the historic Poehler building is considered a character defining structure in the district. The guidelines have been adopted into the Lawrence Land Development Code in Article 3, specifically Sections 20-308(h), 20-308(i), and 20-310, as follows:

20-308 URBAN CONSERVATION OVERLAY DISTRICT

(h) UC Districts Established

The following UC Districts are established:

Conservation District Name	Boundaries
Downtown Urban Conservation Overlay District	See Ord. No. 7395
8 th & Pennsylvania Urban Conservation Overlay District	See Ord. No 8053

(i) UC District Development/Design Standards Established

The following UC [District Development/Design Standards and Administrative Policies](#) are established:

Conservation District Name	Development Standards and Administrative Policies
Downtown Urban Conservation Overlay District	Downtown Design Guidelines 2009
8 th and Pennsylvania Urban Conservation Overlay District	Design Guidelines 8 th and Penn Neighborhood Redevelopment Zone 2006

20-310 INCORPORATION BY REFERENCE OF “THE DESIGN GUIDELINES 8TH AND PENN NEIGHBORHOOD REDEVELOPMENT ZONE”

The “The Design Guidelines 8th and Penn Neighborhood Redevelopment Zone” prepared compiled, published and promulgated by the City of Lawrence, Kansas is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the “The Design Guidelines 8th and Penn Neighborhood Redevelopment Zone.” At least one copy of said text amendments shall be marked or stamped as “Official Copy as Adopted by Ordinance No. 8363 and to which shall be attached a copy of this ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such “The Design Guidelines 8th and Penn Neighborhood Redevelopment Zone”.

Upon approval of the revised “*Design Guidelines 8th and Penn Neighborhood Redevelopment Zone*”, these code sections will also be updated to revise the appropriate ordinance numbers and dates and are part of this amendment. The proposed revisions to the guidelines are attached.

An important element of the guidelines is a standard that limits retail use to no more than 25% of the development in the district. The original proposed mix of uses is outlined in Appendix B at the end of the document. A requirement of the guidelines is that the table in Appendix B be updated and included on each site plan application; therefore, there is no reason to amend Appendix B with this text amendment since it will be in flux as development on other properties occurs in the future. The proposed development calculates existing and projected retail use at approximately 17% where the original proposal had it above 24%.

Staff is currently processing several applications to implement redevelopment of the 8th and Penn area for an applicant that is different than the one that initiated the guidelines for the area. This new applicant desires to use the Poehler building for only residential purposes where the original plan included residential and commercial purposes. The current proposal includes 49 housing units in the Poehler building where only 24 units were originally proposed and used to determine the density for the overlay district.

In order to permit the processing of an accompanying base district rezoning request that would accommodate the new plan for the Poehler building, the standards of the guidelines must be revised to permit the proposed density and perhaps other elements of the new plan. The language of the guidelines will be revised and processed through the Historic Resources Commission and Planning Commission for a recommendation with a decision made by the City Commission.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 promotes a balanced mix of housing within the community which would allow for a wide

range of housing types and residential densities. The plan offers descriptions and density ranges for very low-density to high-density residential development. The high-density residential development identifies an overall density of 16-21 dwelling units per acre. This property is unique in that on-street parking is permitted to be used to satisfy parking requirements. Because of this, less private land is needed to support the structure and use. The Poehler building is proposed to lie on .56 acres after completing a replat of the land to remove the adjacent parking lot and is proposed to be redeveloped with 49 units. This equates to a density of 88 (rounded up) dwelling units per net residential acre. At the time of adopting the 8th and Penn district and guidelines, *Horizon 2020* did not support the type of mixed use development proposed. The comprehensive plan was amended at the same time to include language in Chapter 6 that supports Mixed-Use Redevelopment Centers in areas of the city, "where existing structures are underutilized, have experienced a high turnover rate, or have remained vacant for an extended period of time." (Policy 3.4, Chapter 6) The 8th and Penn area is recognized as such an area. While the Poehler building may be converted to a single-use residential structure, the area will remain a mixture of uses. The proposal conforms to the comprehensive plan.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

Applicant Response:

This is a staff initiated request on behalf of the applicant's proposal to redevelop the Poehler building. The developer has not been asked to submit responses to the criteria.

Staff Response:

Staff believes that while there is no error or inconsistency in the guidelines, there is a changing condition of the redevelopment plan in that the current applicant has the opportunity to use affordable housing credits to develop the Poehler building as a single-use residential building with mostly affordable units. The original plan anticipated that the Poehler building would be mixed use and included multiple levels of retail as well as residential uses. The original plan had fewer dwelling units anticipated and the current development proposal exceeds the density of the guidelines. It should be noted that the density set in the guidelines were intended to support the residential density of the Poehler building as it was designed to hold under the original development plan. This amendment seeks to accomplish the same objective by addressing the changing condition of seeking a greater number of units.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Applicant Response:

This is a staff initiated request on behalf of the applicant's proposal to redevelop the Poehler building. The developer has not been asked to submit responses to the criteria.

Staff Response:

As noted above, *Horizon 2020* supports redeveloping certain areas in the city in need of redevelopment. *Horizon 2020* outlines an overall density range of 16-21 dwelling units per acre for high-density residential districts. The proposal, at 88 dwelling units per net residential acre, is significantly higher than the highest density outlined in the plan; however, the amendment would

accommodate only one building that is the cornerstone of the redevelopment of the 8th and Penn area and the density could be viewed significantly lower when considering the adjacent parking on the lot to the south and the parking on the streets. The remainder of the district would remain under the guideline standard of 34 dwelling units per net residential acre. While the proposal is not in conformance with the comprehensive plan policies for density ranges, the 8th and Penn district is recognized by the plan to be unique and has had extensive public review. It has been determined that redevelopment of the Poehler building is beneficial for the area.

Historic Resources Review

Section 20-308(d) of the Development Code requires review of the guidelines by the Historic Resources Commission. The Commission met on September 15 to consider the proposed revisions and voted unanimously to recommend approval of the revisions to the City Commission. There was discussion regarding staff's proposed language related to the height of structures in the overlay area. This language is simply meant to clarify the height standards in the overlay district, as it was identified that the existing language was in need of clarification to review future projects and provide a clear, prescriptive standard to owners in the district.

Staff Review

This text amendment was initiated to support what staff believes will be a beneficial development proposal for the East Lawrence neighborhood. The revisions accommodate one building while holding all other development to a 34 dwelling unit per acre maximum. The amendment will not, in staff's opinion, reduce the goal of redeveloping the 8th and Penn area as a mixed use district since non-residential zoning will remain for portions of the district.

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments contained within TA-8-13-11 to the City of Lawrence Land Development Code to the City Commission.